

Title 410 - NEBRASKA DEPARTMENT OF ROADS - RIGHT OF WAY DIVISION

Chapter 1 - Utility Permits (Continued)

002 PERMITS FOR THE OCCUPANCY OF HIGHWAYS BY UNDERGROUND PIPES OR CONDUITS

002.01 DEFINITIONS: *As used in the Regulations applicable to the issuance of permits for the occupancy of highways by underground pipes or conduits, unless the context otherwise requires:*

002.01A APPLICANT: A person who makes application for or acquires a permit to occupy a highway with underground pipes and conduits.

002.01B DEPARTMENT: The Department of Roads of the State of Nebraska.

002.01C HIGHWAY: A road or street, including the entire area within the right of way and all structures thereon, which has been designated as a part of the State Highway System.

002.01D PERSON: Every natural person, firm, co-partnership, association, organization or corporation, both public and private.

002.02 Any person desiring to occupy any portion of a highway with an underground pipe line or conduit shall apply to the Department for a permit to so occupy.

002.03 All applications for permits shall be made on the form prepared and furnished by the Department.

002.04 Applications may be made to the Department of Roads, Box 94759, Lincoln, Nebraska 68509-4759.

002.05 All applications for a permit shall show the full name and address of the applicant and shall set forth the type of use that is desired by the applicant, that is, whether it is to be a crossing or a parallel occupancy of the highway.

002.06 The applicant shall submit a plan or sketch showing in detail the type and the nature of the pipe or conduit, the length of the pipe or conduit, and the depth at which the pipe or conduit will be installed beneath the highway surface. The plan or sketch shall set forth the number and surface type of the highway and the exact locations of the portions of the highway to be occupied with respect to land lines and civil subdivisions.

002.07 The applicant will be required to backfill all excavated trenches in thin layers and shall compact the replaced material until its density is equal to at least that of the surrounding earth. No "mounding over" of the trench will be permitted.

002.08 The Department may require the pipes or conduits to be installed in casings.

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002.09 The applicant may be required to furnish a certified check as a guarantee of the faithful compliance with the terms of the permit and the payment of the State for any expense incurred by it in connection with the operations of the applicant. The amount of the certified check will be determined after the receipt of the application and will be based on the extent of the proposed work.

002.10 The applicant will be required to indemnify and hold harmless the State of Nebraska from any damage of any nature to any person or property which may result from the applicant's operations on or from the occupancy of the highway.

002.11 The applicant will be held fully responsible for any damage to or defacing of the highway that may be caused by his operations and he will be required to restore said highway to its original condition.

002.12 After the receipt of a written application for permission to cross or parallel occupy any portion of a highway with a pipe line or conduit, a permit may be granted by the Department. The permit shall set forth the regulations and restrictions governing the installation of the pipe line or conduit and any specific instructions applying to the particular installation under consideration.

002.13 No work shall be performed by the applicant until he has obtained a permit. The applicant shall give forty-eight hours notice to an authorized representative of the Department prior to beginning operations on the highways.

002.14 The applicant shall provide and maintain, at his expense, adequate lights, signs, or other protective devices so as to properly protect the traveling public during his operations on the highway.

002.15 The applicant shall conduct his operations in such a manner so as not to unreasonably interfere with or obstruct vehicular traffic on the highway.

002.16 Should the construction and maintenance of a highway necessitate the moving or relocation of any pipe or conduit, the owner shall move or relocate the pipe or conduit at his own expense and as directed by the Department except that portion of the work which occurs outside the limits of the original right of way and except as otherwise provided by law with regard to the National System of Interstate and Defense Highways.

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002.17 *Any owner required to move or relocate any pipe or conduit because of construction and maintenance of a highway will not be required to file application for relocation of existing pipes or conduits.*

ANNOTATION

**Title 410
Chapter 1
Section 002**

**Enabling Legislation
39-699; 39-8119;
39-1335; 39-1359;
39-1361; 57-1102 and
70-515 Neb. Rev. Stat.**